

obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title.

(b) FALSE REPRESENTATION.—It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

### § 2723. Penalties

(a) CRIMINAL FINE.—A person who knowingly violates this chapter shall be fined under this title.

(b) VIOLATIONS BY STATE DEPARTMENT OF MOTOR VEHICLES.—Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

### § 2724. Civil action

(a) CAUSE OF ACTION.—A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.

(b) REMEDIES.—The court may award—

- (1) actual damages, but not less than liquidated damages in the amount of \$2,500;
- (2) punitive damages upon proof of willful or reckless disregard of the law;
- (3) reasonable attorneys' fees and other litigation costs reasonably incurred; and
- (4) such other preliminary and equitable relief as the court determines to be appropriate.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2101.)

### § 2725. Definitions

In this chapter—

(1) “motor vehicle record” means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;

(2) “person” means an individual, organization or entity, but does not include a State or agency thereof;

(3) “personal information” means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.<sup>1</sup>

(4) “highly restricted personal information” means an individual's photograph or image, social security number, medical or disability information; and

(5) “express consent” means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106-229.

(Added Pub. L. 103-322, title XXX, §300002(a), Sept. 13, 1994, 108 Stat. 2102; amended Pub. L. 106-346, §101(a) [title III, §309(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A-24.)

#### REFERENCES IN TEXT

Section 106(5) of Public Law 106-229, referred to in par. (5), is classified to section 7006(5) of Title 15, Commerce and Trade.

#### AMENDMENTS

2000—Pars. (4), (5). Pub. L. 106-346 added pars. (4) and (5).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2721 of this title.

### PART II—CRIMINAL PROCEDURE

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#### AMENDMENTS

2000—Pub. L. 106-523, §2(b), Nov. 22, 2000, 114 Stat. 2492, added item for chapter 212.

1994—Pub. L. 103-359, title VIII, §803(c)(1), Oct. 14, 1994, 108 Stat. 3439, substituted “terrorist acts and espionage” for “terrorists acts” in item for chapter 204.

Pub. L. 103-322, title VI, §60002(b), Sept. 13, 1994, 108 Stat. 1968, added item for chapter 228.

1988—Pub. L. 100-702, title IV, §404(a)(1), Nov. 19, 1988, 102 Stat. 4651, struck out item 237 “Rules of criminal procedure”.

<sup>1</sup> So in original. First word only of item should be capitalized.

<sup>2</sup> So in original. Does not conform to chapter heading and first word only of item should be capitalized.

<sup>1</sup> So in original. The period probably should be a semicolon.

1986—Pub. L. 99-646, §41(d), Nov. 10, 1986, 100 Stat. 3600, struck out item for chapter 232 “Special forfeiture of collateral profits of crime” and added item for chapter 232A.

Pub. L. 99-508, title III, §301(b), Oct. 21, 1986, 100 Stat. 1872, added item for chapter 206.

1984—Pub. L. 98-533, title I, §101(b), Oct. 19, 1984, 98 Stat. 2708, added item for chapter 204.

Pub. L. 98-473, title II, §§203(d), 212(b), 1209(a), 1406(b), Oct. 12, 1984, 98 Stat. 1985, 2011, 2163, 2176, inserted “and detention pending judicial proceedings” in item for chapter 207, added items for chapters 224, 227, 229, 231, and 232, and struck out items for former chapters 227 “Sentence, judgment, and execution”, 229 “Fines, penalties and forfeitures” and 231 “Probation”.

1975—Pub. L. 93-619, title I, §102, Jan. 3, 1975, 88 Stat. 2086, added item for chapter 208.

1970—Pub. L. 91-452, title I, §101(b), Oct. 15, 1970, 84 Stat. 926, added item for chapter 216.

1968—Pub. L. 90-578, title III, §301(c), Oct. 17, 1968, 82 Stat. 1115, substituted “Trial by United States magistrates” for “Trial by commissioners” in item for chapter 219.

1966—Pub. L. 89-465, §5(e)(2), June 22, 1966, 80 Stat. 217, substituted “Release” for “Bail” in item for chapter 207.

#### CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in item for chapter 219 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

#### PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 48 sections 1424-4, 1614, 1821.

### CHAPTER 201—GENERAL PROVISIONS

Sec.	
3001.	Procedure governed by rules; scope, purpose and effect; definition of terms; local rules; forms—Rule.
3002.	Courts always open—Rule.
3003.	Calendars—Rule.
3004.	Decorum in court room—Rule.
3005.	Counsel and witnesses in capital cases.
3006.	Assignment of counsel—Rule.
3006A.	Adequate representation of defendants.
3007.	Motions—Rule.
3008.	Service and filing of papers—Rule.
3009.	Records—Rule.
3010.	Exceptions unnecessary—Rule.
3011.	Computation of time—Rule.
3012.	Repealed.
3013.	Special assessment on convicted persons.

#### AMENDMENTS

1984—Pub. L. 98-473, title II, §§218(c), 1405(b), Oct. 12, 1984, 98 Stat. 2027, 2175, added item 3013 and substituted “Repealed” for “Orders respecting persons in custody” in item 3012.

1964—Pub. L. 88-455, §4, Aug. 20, 1964, 78 Stat. 554, added item 3006A.

#### LAW ENFORCEMENT ASSISTANCE ACT OF 1965

Pub. L. 89-197, §§1-11, Sept. 22, 1965, 79 Stat. 828, as amended by Pub. L. 89-798, Nov. 8, 1966, 80 Stat. 1503, was repealed by Pub. L. 90-351, title I, §405, June 19, 1968, 82 Stat. 204, subject to the provisions of section 3745 of Title 42, The Public Health and Welfare. See section 3701 et seq. (chapter 46) of Title 42. Such Act had provided for grants and contracts for improvement of quality of state and local personnel through professional training; grants and contracts to improve state and local law enforcement techniques; delegation and redelegation of powers; contributions to program by recipients, rules and regulations, necessary stipends, and

allowances; studies by Attorney General and technical assistance to states; prohibition against control over local agencies; advisory committees, compensation, and expenses; term of program; appropriations; and reports to President and Congress.

#### COORDINATION OF FEDERAL LAW ENFORCEMENT AND CRIME PREVENTION PROGRAMS

Designation of Attorney General to coordinate Federal law enforcement and crime prevention program, see Ex. Ord. No. 11396, Feb. 7, 1968, 33 F.R. 2689, set out as a note preceding section 1 of this title.

### § 3001. Procedure governed by rules; scope, purpose and effect; definition of terms; local rules; forms—(Rule)

#### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Scope, rule 1.

Purpose and construction, rule 2.

Proceedings to which rules apply, rules 54 and 59.

Definition, rule 54(c).

Rules of District Courts and Circuit Courts of Appeal, rule 57.

Forms, rule 58.

Effective date, rule 59.

Citation of rule, rule 60.

(June 25, 1948, ch. 645, 62 Stat. 814.)

### § 3002. Courts always open—(Rule)

#### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Business hours, rule 56.

(June 25, 1948, ch. 645, 62 Stat. 814.)

### § 3003. Calendars—(Rule)

#### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Preference to criminal cases, rule 50.

(June 25, 1948, ch. 645, 62 Stat. 814.)

### § 3004. Decorum in court room—(Rule)

#### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Photographing or radio broadcasting prohibited, rule 53.

(June 25, 1948, ch. 645, 62 Stat. 814.)

### § 3005. Counsel and witnesses in capital cases

Whoever is indicted for treason or other capital crime shall be allowed to make his full defense by counsel; and the court before which the defendant is to be tried, or a judge thereof, shall promptly, upon the defendant's request, assign 2 such counsel, of whom at least 1 shall be learned in the law applicable to capital cases, and who shall have free access to the accused at all reasonable hours. In assigning counsel under this section, the court shall consider the recommendation of the Federal Public Defender organization, or, if no such organization exists in the district, of the Administrative Office of the United States Courts. The defendant shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

(June 25, 1948, ch. 645, 62 Stat. 814; Pub. L. 103-322, title VI, §60026, Sept. 13, 1994, 108 Stat. 1982.)